EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin M. Drucker on the 16th of September, 2008.

The application has been amended as follows:

a. Claim 11 (Cancelled)

b. Claim 1 (Currently Amended)

"A method of generating a schedule for two or more nodes of a network, the method comprising the steps of:

(a) generating a network graph accounting for delay between each node of the network;

(b) generating a set of network constraints for the network graph, one or more of the network constraints based on the schedule accounting for each delay; and

(c) decomposing in accordance with a Birkhoff-Von Neumann decomposition, into a set of transmission matrices, a

traffic matrix for the network graph based on the set of network constraints, the set of transmission matrices representing the schedule over a frame period, wherein step (c) decomposes the traffic matrix R in accordance with the Birkhoff-Von Neumann decomposition defined as:

$$R \leq \sum_{k=1}^{K} \phi_k \sigma_k \text{ , with}$$

$$\sum_{k=1}^{K} \phi_k = \text{and}$$

wherein the set is a set of positive rational numbers of denominator F and is a set of permutation matrices."

c. Claim 21 (Currently Amended)

"A network of nodes interconnected by links including a processor comprising:

first means for generating a network graph accounting for delay between each node of the network;

second means for generating a set of network constraints for the network graph, one or more of the network constraints based on a schedule accounting for each delay; and

third means for decomposing in accordance with a Birkhoff-Von Neumann decomposition, into a set of transmission matrices, a traffic matrix R for the network graph based on the set of network constraints, the set of transmission matrices representing the schedule over a frame period, wherein the traffic matrix R in accordance with the Birkhoff-Von Neumann decomposition is defined as:

$$R \leq \sum_{k=1}^{K} \phi_k \sigma_k \text{ , with}$$

$$\sum_{k=1}^{K} \phi_k = \text{and}$$

wherein the set $\{\phi_k\}_{k=1,\ldots,K}$ *is a set of positive rational numbers of denominator F and* $\{\sigma_k\}_{k=1,\ldots,K}$ *is a set of permutation matrices."*

d. Claim 22 (Currently Amended)

"A computer-readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to implement a method for generating a schedule for

two or more nodes of a network, the method comprising the steps of:

(a) generating a network graph accounting for delay between each node of the network;

(b) generating a set of network constraints for the network graph, one or more of the network constraints based on the schedule accounting for each delay; and

(c) decomposing in accordance with a Birkhoff-Von Neumann decomposition, into a set of transmission matrices, a traffic matrix for the network graph based on the set of network constraints, the set of transmission matrices representing the schedule over a frame period, wherein step (c) decomposes the traffic matrix R in accordance with the Birkhoff-Von Neumann decomposition defined as:

$$R \leq \sum_{k=1}^{K} \phi_k \sigma_k \text{ , with}$$

$$\sum_{k=1}^{K} \phi_k = \text{and}$$

wherein the set $(\Phi_k)_{0<k<K}$ is a set of positive rational numbers of denominator F and $(\Phi_k)_{0<k<K}$ is a set of permutation matrices."

Allowable Subject Matter

2. Claims 1-9, 12-13 and 15-41 are allowable as evident by the above amendments (Claims are renumbered as 1-38 respectively).

3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a nonobvious improvement over the invention in the closest prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAXWELL A. CLARK whose telephone number is (571) 270-1956. The examiner can normally be reached on Monday through Thursday 7:30A.M. to 5P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 17, 2008

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